

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

JORDAN W. MIRCH,

Debtor.

Case No. 08-64473

Chapter 7

Hon. Phillip J. Shefferly

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RDI of Michigan, LLC, a Michigan  
limited liability company,

Plaintiff,

Adv. Pro. No. 09-04060

vs.

JORDAN MIRCH,

Defendant.

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**PLAINTIFF, RDI OF MICHIGAN, LLC'S CORRECTED MOTION  
FOR ENTRY OF CONSENT JUDGMENT**

NOW COMES the Plaintiff, RDI OF MICHIGAN, LLC, by and through its attorneys,  
Poling, McGaw & Poling, P.C., and for its Corrected Motion for Entry of Consent Judgment, states  
as follows:

1. That trial commenced in this adversary proceeding on December 8, 2010.
2. That following opening statements and testimony of two (2) witnesses presented  
by Plaintiff, the parties settled, and the settlement was placed on the record and approved by this  
Honorable Court.
3. That the parties are at an impasse as to the language in the Consent Judgment,  
despite numerous conversations and emails between counsel.
4. That attached hereto as Exhibit 1 is Plaintiff's proposed Consent Judgment,

which Plaintiff asks this Honorable Court to enter because it accurately reflects the parties'

settlement as placed on the record and approved by the Court on December 8, 2010.

5. That Plaintiff has ordered the transcript of the settlement record but has not received same as of the date of filing this Motion.

WHEREFORE, the Plaintiff, RDI OF MICHIGAN, LLC, requests that this Honorable Court enter the Consent Judgment attached hereto as Exhibit 1.

Respectfully submitted,

Poling, McGaw & Poling, P.C.

/s/Richard B. Poling, Jr. P25312  
Shannon M. Soliven (P57295)  
Counsel for Plaintiffs RDI of Michigan, LLC  
5455 Corporate Drive, Suite 104  
Troy, MI 48098  
(248) 641-0500  
[rpolingjr@aol.com](mailto:rpolingjr@aol.com)

Dated: December 20, 2010

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In Re:

**JORDAN MIRCH,**

Debtor.

CASE NO. 08-64473

CHAPTER 7

HON. PHILLIP J. SHEFFERLY

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**RDI OF MICHIGAN, LLC a Michigan  
limited liability company, and Universal  
Video, Inc., a Michigan corporation,**

Plaintiffs,

Adv. Proc. No. 09-04060

-vs-

**JORDAN MIRCH,**

Defendant.

---

**CONSENT JUDGMENT**

At a session of said Court held in the  
City of Detroit and State of Michigan  
On \_\_\_\_\_

Present: Hon. Phillip J. Shefferly  
U.S. Bankruptcy Court Judge

This adversary proceeding having come before the Court for a Final Pretrial Conference and Trial on December 8, 2010; and Trial having commenced, but not concluded because the parties agreed to settle the case on compromised terms; and said settlement being placed on the record in open court by counsel for both parties; and the Court finding that the settlement is fair and reasonable; and the Court approving the settlement; and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED AND ADJUDGED that a Consent Judgment of Non-Dischargeability is hereby entered against Defendant Jordan Mirch under 11 U.S.C § 523 in favor of Plaintiff RDI of Michigan, LLC, only, in the total amount of \$307,347.61, said amount includes interest and attorneys' fees through December 8, 2010.

IT IS FURTHER ORDERED AND ADJUDGED that, except for the non-dischargeable sum of \$307,347.61 above, Plaintiff RDI of Michigan LLC's Amended Complaint is dismissed with prejudice and without costs or attorney fees to either party.

U.S. BANKRUPTCY COURT JUDGE

UNITED STATES BANKRUPTCY COURT  
Eastern District of Michigan

In re: RDI of Michigan, LLC v Jordan Mirch

Chapter: 7

[Set forth here all names including married, maiden, and  
trade names used by debtor within last 8 years.]

Case No.: 09-04060

Debtor(s) Jordan Mirch

Judge: Phillip Shefferly

Address 5101 Chase Ave., Downers Grove, IL 60515-4012.

Last four digits of Social Security or  
Employer's Tax Identification (EIN) No(s).(if any): \_\_\_\_\_

**NOTICE OF MOTION FOR ENTRY OF CONSENT JUDGMENT**

RDI of Michigan, LLC has filed papers with the court to enter Consent Judgment.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to enter the Consent Judgment, or if you want the court to consider your views on the motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:

United States Bankruptcy Court  
211 W. Fort Street, Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. All attorneys are required to file pleadings electronically.

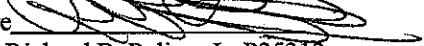
You must also mail a copy to:

Richard Poling, Jr., Esq., 5455 Corporate Dr., Suite 104, Troy, MI 48098

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.**

Date: 12/20/10

Signature   
Name: Richard B. Poling, Jr. P25312  
Address: 5455 Corporate Drive, # 104, Troy, MI 48098

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

JORDAN W. MIRCH,

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Case No. 08-64473

Chapter 7

Hon. Phillip J. Shefferly

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RDI of Michigan, LLC, a Michigan  
limited liability company,

Plaintiff,

Adv. Pro. No. 09-04060

vs.

JORDAN MIRCH,

Defendant.

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**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT**

This Brief in Support is submitted by Richard B. Poling, Jr., counsel for Plaintiff RDI of Michigan, LLC ("RDIM"), and relies upon the filings in this case, as well as the applicable local court rule(s), as follows:

***Applicable Local Court Rule***

L.B.R. 9019-1 provides that the parties and counsel shall submit a proposed order within 14 days of placing a settlement on the record. In this case, the parties placed the settlement in the adversary proceeding on the record on December 8, 2010, within the 14 days required by local court rule. Unfortunately and despite several conversations and emails between counsel, the parties and counsel have reached an impasse as to the language in the Judgment (Exhibit 1) and this Motion is

necessary. Plaintiff has ordered the transcript of the settlement but has not received same as of the date of filing this Motion.

WHEREFORE, the Plaintiff, RDI OF MICHIGAN, LLC, requests that this Honorable Court enter the Consent Judgment attached hereto as Exhibit 1.

Respectfully submitted,

Poling, McGaw & Poling, P.C.

/s/Richard B. Poling, Jr. P25312  
Shannon M. Soliven (P57295)  
Counsel for Plaintiffs RDI of Michigan, LLC  
5455 Corporate Drive, Suite 104  
Troy, MI 48098  
(248) 641-0500  
[rpolingjr@aol.com](mailto:rpolingjr@aol.com)

Dated: December 20, 2010

**EXHIBIT 4**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 08-64473

Chapter 7

JORDAN W. MIRCH,

Hon. Phillip J. Shefferly

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RDI of Michigan, LLC, a Michigan  
limited liability company,

Plaintiff,

Adv. Pro. No. 09-04060

vs.

JORDAN MIRCH,

Defendant.

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**CERTIFICATE OF SERVICE**

I CERTIFY that on December 20, 2010, I caused the foregoing document, to be filed with the Clerk of the Court via the ECF system, which will provide electronic notification of the filing to



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counsel for Jordan Mirch, Kenneth Beams, via his email, which is kennethbeams@gmail.com.

BY:/S/ RICHARD B. POLING, JR.

RICHARD B. POLING, JR. P25312

Dated: December 20, 2010

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
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Video, Inc., a Michigan corporation

Plaintiffs,

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Defendant.

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**AFFIDAVIT OF SHANNON M. SOLIVEN**

STATE OF MICHIGAN     )  
COUNTY OF OAKLAND    )

I, Shannon M. Soliven, being duly sworn on my oath, state that I am over 18 years of age, I have personal knowledge of the facts set forth in this Affidavit, I am competent to testify to these matters, and if called as a witness, I would testify to the following facts:


1. I am counsel for the Plaintiff in this matter.
2. I have communicated with Defendant Mirch's counsel, Kenneth Beams, regarding the proposed Order attached as Exhibit 1 to this Motion.
3. The parties and counsel cannot agree on the language to be placed in the Judgment in this adversary proceeding and therefore this Motion is necessary.

Further Affiant Sayeth Not.

Shannon M. Soliven, Affiant

  
Shannon M. Soliven

Acknowledged before me in Oakland County, Michigan, on December 20, 2010 by Shannon M. Soliven.



Laura Petrucci

Notary Public

Oakland County, MI

My Comm. Expires: 1-31-2011

Acting in Oakland County